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*Official***FACSIMILE TRANSMITTAL FORM**

To: Examiner Ken Moore	Fax Number: (703) 872-9314	Phone Number:
From: Lynn Y. McKernan	Fax Number: (408) 287-2664	Phone Number: (408) 993-1555
Re: Filing Under 37 CFR §1.53(b)	Date/Time sent: 03/05/02	No. of Pages: (incl. cover) 54
Client Name:	Client Matter No.:	

If you do not receive all of the pages, please call Rita at (408) 993-1555, extension 2065.

Notes/Comments:**TO BE COMPLETED BY FAX OPERATOR**

TIME TRANSMITTED: _____ TRANSMITTED BY: _____

This transmittal is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this transmittal is not the intended recipient or the employee or agent responsible for delivering the transmittal to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone, and return the original message to us by mail at the above address. Thank you.

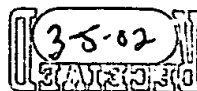
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P.002

52



26x1

2682

Patent

Attorney Docket: 271/056

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: 271/056

First Named Inventor: Robert C. Dixon

Prior Application Information:

Serial No. 09/595,557

Examiner: Ken Moore

Art Unit: 2682

Assistant Commissioner for Patents
Box Patent Application
Washington, D. C. 20231

RECEIVED

JUL 10 2002

Technology Center 2600

FILING UNDER 37 CFR § 1.53(b)

This is a request for filing for a

☒ continuation

☐ divisional

☐ continuation-in-part (CIP)

application under 37 CFR § 1.53(b) of pending prior application Serial No. 09/595,557 filed on June 14, 2000, which is a Reissue Application of U.S. Patent No. 5,850,600 which issued December 15, 1998.

Robert C. Dixon, entitled:

Three Cell Wireless Communication System

For CONTINUATION or DIVISION APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied, referenced above, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

CERTIFICATE OF TRANSMISSION

(37 C.F.R. §1.8)

AND

CERTIFICATE OF MAILING

(37 C.F.R. §1.10)

EV018192116US

I hereby certify that this paper (along with any referred to as being attached 09/11/2002 1608 in 09/08/2001 162175 09595557 facsimile ((703) 872-9314) on the date shown below to the Commissioner for Patents, Washington, D.C. 20231.

I also hereby certify that this paper (along with any referred to as being attached 09/11/2002 1608 in 09/08/2001 162175 09595557 enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

EV 018192116 US
Express Mail Label No.

March 05, 2002
Date of Deposit

Rita Hernandez

Name of Person Mailing Paper

Signature of Person Mailing Paper

Patent
Attorney Docket: 271/056

I. APPLICATION ELEMENTS ENCLOSED

5 Page(s) of Written Description
 7 Page(s) of Claims
 1 Page(s) of Abstract
 2 Sheet(s) of Drawings ☐ formal ☒ informal
 2 Pages of ☒ Reissue Application Declaration By The Inventor
 1 Page(s) Application By The Inventor, Offer to Surrender Patent
 1 Page(s) of Consent to the Reissue By The Assignee
 10 Page (s) of Statement Under 37 C.F.R. §3.73(b) With Exhibits A-E attached
 2 Other: Transmittal Letter with Exhibits 1-4 attached

☐ Assignment papers (cover sheet and documents(s))

II. FEE CALCULATION

☐ Applicant claims small entity status under 37 CFR 1.27.

BASIC FILING FEE:						\$740.00
Total Claims	25	-	20	=	5	x \$18.00 \$90.00
Independent Claims	5	-	3	=	2	x \$84.00 \$168.00
Multiple Dependent Claims	\$280	(if applicable)			<input type="checkbox"/>	\$0.00
TOTAL OF ABOVE CALCULATIONS						\$998.00
Reduction by 1/2 for Filing by Small Entity.					<input type="checkbox"/>	\$0.00
Misc. Filing Fees (Recordation of Assignment)						\$0.00
TOTAL FEES DUE HERewith						\$998.00

III. PRIORITY - 35 USC § 119

- ☐ Priority of application Serial No. _____ filed on _____ in Country is claimed under 35 USC § 119.
☐ The certified copy has been filed in prior U.S. application Serial No. _____ on _____.
☐ The certified copy will follow.

IV. AMENDMENTS

- ☐ Cancel in this application original Claims _____ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes if no new claims are added in a preliminary amendment.)

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- ☒ A Preliminary Correspondence has been previously transmitted for this application and is believed to be Paper #6. (Claims added by Amendment must be numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

V. RELATE BACK - 35 USC § 120

- ☐ Relate back information included in preliminary amendment or specification.
- ☒ Please amend the specification as follows:
- This is a continuation application of pending prior application Serial No. 09/595,557 filed on June 14, 2000, which is a Reissue Application of U.S. Patent No. 5,850,600 which issued December 15, 1998.
- ☒ With respect to the prior co-pending U.S. application from which this application claims benefit under 35 USC § 120, the inventor(s) in this application is (are) [37 CFR 1.53(b)(1)]:
- ☒ the same.
- ☐ less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted [see 37 CFR §§1.33(b) AND 1.63(d)(2)]:
- [Name(s) of inventor(s) to be deleted]

VI. METHOD OF PAYMENT OF FEES

- ☐ Attached is a check in the amount of _____.
- ☒ Charge Lyon & Lyon's Deposit Account No. 12-2475 in the amount of \$998.00.
- ☐ Not attached. No filing fee is submitted. [This and the surcharge required by 37 CFR § 1.16(e) can be paid subsequently.]

VII. AUTHORIZATION TO CHARGE ADDITIONAL FEES

The Commissioner is hereby authorized to credit Lyon & Lyon's Deposit Account No. 12-2475 for any over payment of fees and to charge the following additional fees by this paper and during the entire pendency of this application to Deposit Account No. 12-2475:

- ☒ 37 CFR § 1.16 (Filing fees and excess claims fees)
- ☒ 37 CFR § 1.17 (Application processing fees)
- ☐ 37 CFR § 1.21 (Assignment recordation fees)

VIII. POWER OF ATTORNEY & CORRESPONDENCE ADDRESS

- ☒ The power appears in the original papers in the prior application.

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☐ The power does not appear in the original papers, but was filed on _____ in prior application Serial No. _____.

☐ A new power has been executed and is attached.

Please send all correspondence to Customer Number 22249:



LYON & LYON LLP
Suite 4700
633 W. Fifth Street
Los Angeles, CA 90071
(408) 993-1555

Please direct all inquiries to Lynn Y. McKernan, at the above Customer Number.

IX. MAINTENANCE OF CO-PENDENCY OF PRIOR APPLICATION

☐ A petition, fee and response has been filed to extend the term in the pending **prior** application until _____. A copy of the petition for extension of time in the **prior** application is attached.

☒ A petition for extension of time is being filed in the pending **prior** application. A copy of the conditional petition for extension of time in the **prior** application is attached as Exhibit 4 to Transmittal Letter.

Respectfully submitted,

LYON & LYON LLP

Dated: March 4, 2002

By: 

Lynn Y. McKernan
Reg. No. 41,986

Enclosures
Xircom

Name of Assignee

1365 Garden of the Gods Road, Colorado Springs, Colorado 80907
Address of Assignee

Title of person authorized to sign on behalf of assignee

Assignment recorded in PTO on March 19, 2001, Reel 011638, Frame 0753

Patent
Attorney Docket: 271/056

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:)	
)	Group Art Unit: 2682
Robert C. Dixon)	
)	Examiner: Ken Moore
Serial No.: Not Yet Assigned)	
)	
Filed: March 4, 2002)	
)	
For: Three Cell Wireless Communication)	
System)	

TRANSMITTAL LETTER

Commissioner for Patents
Washington, D.C. 20231

Sir:

Enclosed herewith is a re-filing of a continuation application under 37 CFR § 1.53(b) of pending prior application Serial No. 09/595,557.

A Preliminary Correspondence for this continuation application was filed on February 6, 2002, and is denoted paper #6. It is the Applicant's understanding that the Examiner has a copy of this Preliminary Correspondence previously filed for this continuation.

This application was first filed as a continuation application on January 14, 2002. Enclosed herewith as Attachment 1 is a copy of the postcard sent with the original continuation application filing on January 14, 2002, noting an Express Mail label number of EL 550017078US. A copy of the Express Mail label number EL 550017078US is enclosed herewith as Attachment 2.

The United States Post Office website shows that the continuation application was delivered to the USPTO on January 17, 2002 and signed for by M. Boston. See Attachment 3 hereto.

On January 14, 2001, a Petition For Extension Of Time, with a signed Certificate of Mailing, was filed for pending application Serial No. 09/595,557. See Attachment 4 hereto. A check in the amount of \$400.00 was enclosed with the Petition For Extension Of Time. See Attachment 4, p. 2.

Applicant is re-filing this continuation application on the advice of the USPTO, as the USPTO has not been able to locate the continuation application filed on January 14, 2002, and Applicant has not received back the postcard transmitted with the continuation application showing the USPTO's receipt of this application.

Patent
Attorney Docket: 271/056

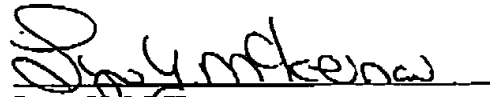
If the USPTO or Examiner has any questions regarding the re-filing of this continuation application, please call the undersigned in order that we may expedite the resolution of any such questions.

Respectfully submitted,

LYON & LYON LLP

Dated: March 5, 2002

By:



Lynn Y. McKernan

Reg. No. 41,986

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